

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

Mitchell David Holbach,)
Petitioner,) Case No. 3:10-cv-26
-vs-)
Don Redman,) **ORDER ADOPTING REPORT AND**
Respondent.) **RECOMMENDATION**

On March 29, 2010, Mitchell David Holbach filed an application to proceed *in forma pauperis* (IFP) and a petition under 28 U.S.C. § 2254 for a writ of habeas corpus (Docs. #1 & 2)..

On April 5, 2010, the Court received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending Holbach's IFP application be denied (Doc. #4). Holbach did not file objections to the Report and Recommendation.

The Court has reviewed the entire file and finds the magistrate judge's analysis is correct. The Court hereby adopts the Report and Recommendation. For the reasons stated therein, Holbach's application to proceed IFP (Doc. #1) is **DENIED**. If Holbach wishes to pursue his petition for habeas relief, he must pay the \$5.00 filing fee.

IT IS SO ORDERED.

Dated this 29th day of April, 2010.

/s/ Ralph R. Erickson
Ralph R. Erickson, Chief Judge
United States District Court